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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,510	01/25/2007	Hiroshi Nishimura	294723US3X PCT	2077
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
KUNEMUND, ROBERT M				
ART UNIT		PAPER NUMBER		
1792				
NOTIFICATION DATE		DELIVERY MODE		
11/24/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/588,510

Applicant(s)

NISHIMURA ET AL.

Examiner

Robert M. Kunemund

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizutani et al. (US 3817710) in view of Geho (2003/0041797).

Regarding claim 1, Mizutani discloses a single-crystal growth apparatus which comprises spheroid mirror (23), heat source (21) located at one foci (F1) of the spheroid mirror, a feed rod (25) and a seed crystal rod (24) located at the other foci (F2) of the spheroid mirrors, a quartz tube (35) surrounding the feed rod and seed crystal rod, and shaft drive (34) means for rotating and vertically moving (38) crystal draft shafts respectively supporting the feed rod and seed crystal rod, and in which infrared rays of the heat sources are reflected by the spheroid mirrors to irradiate the feed rod and seed crystal rod located at the other foci, thereby growing the crystal, which the apparatus is characterized in that the minor axis/major axis ratio of the spheroid mirrors is 0.9 to 0.95. See Fig. 1-4; col. 1, line 30 - col. 6, line 70. Furthermore, Mizutani discloses a total power of 1.5 kW, thereby making it possible to achieve heating performance of 2000°C. However, Mizutani does not disclose more than one mirror, an interfocal distance of 41.1 to 67 mm, or a major axis of 57.7 to 80 mm and a minor axis of 52 to 76 mm. However, the Geho reference teaches using two separate heat sources or mirrors for crystallization, note figures. It would have been obvious to one of ordinary skill in the art at the time of the invention

to modify the Mizutani reference by the teachings of the Geho reference to include more than one mirror in order to uniformly heat . Further, it would have been obvious to one of ordinary skill in the art to modify the distance between the two foci in order to change the heat irradiating the feed rod and seed crystal rod and split the power to not over heat one side.

2. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizutani et al. (US 3817710) in view of Mizutani et al. (US 3761677) and Geho .

3. Regarding claim 3, Mizutani '710 does not disclose bi-spheroid mirrors.

However, Mizutani '677 discloses bi-spheroid mirrors (1, 1'). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include bi-spheroid mirrors, such as suggested by Mizutani '677, to increase the reflecting surface. 4. Regarding claim 4, Mizutani '710 discloses an air-cooling unit (36) for introducing cooling gas for cooling the spheroid mirror, a heat source (21), and a flow rate of 2.5 L/s, or 0.15 ma/min. See col. 4, lines 13-17.

Regarding claim 6, Mizutani '710 discloses a cooling water heat exhaust system, where halogen lights (radiator) raise the temperature of the mirror, cooling water is supplied to cool to mirror, and cooling air is supplied by an exhaust pipe. See col. 4, lines 17-63. However, Mizutani '710 does not disclose internal water-cooling jackets or heat insertion holes. Mizutani '677 discloses internal water-cooling jackets (61,61') and heat insertion holes (4). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to include water-cooling jackets and heat insertion holes, such as suggested by Mizutani '677, to cool the spheroid mirrors and to insert the heating source, respectively. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the invention that the apparatus is capable of cooling the

spheroid mirrors at a flow rate of 1.2 to 2.3 ma/min. Lastly, it would have been obvious to one of ordinary skill in the art at the time of the invention that the air flow could become turbulent in the inner space of the spheroid mirrors when the air is flowing at a rate of 1.2 to 2.3 ma/min.

Applicant's arguments with respect to claims 1 and 3 to 7 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Kunemund whose telephone number is 571-272-1464. The examiner can normally be reached on 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Kornakov can be reached on 571-272-1303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert M Kunemund
Primary Examiner
Art Unit 1792

RMK

/Robert M Kunemund/
Primary Examiner, Art Unit 1792